

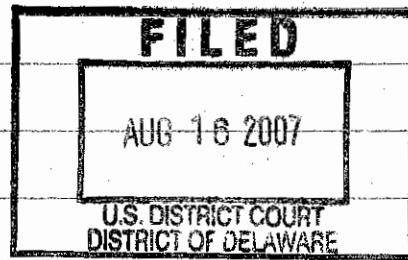
UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

KEVIN C. BRATHWAITE
PLAINTIFF

V.

C.A. # 007-006-G.M.S.

CORRECTIONAL MEDICAL
SERVICES, SCOTT S.
ALTMAN AND CATHY
KIONKE



PLAINTIFF'S RESPONSE TO DEFENDANT'S
MOTION TO DISMISS

AS A response to these defendant's Motion to dismiss, This Plaintiff offers the Following:

1. 18 Del. C. § 6853 does not apply to this complaint, because this Plaintiff does not allege Medical negligence or ANY ~~any~~ type of negligence. Nor does this Plaintiff seek any relief for Negligence.

2. This complaint clearly states that these defendants violated this plaintiff's constitutionally protected right to receive ~~the~~ proper dental care and treatment that he is entitled to.

3. In the original complaint this plaintiff seeks relief for these defendants violating his constitutional rights to receive medical and dental treatment, pain and suffering, and punitive damages. There is no relief being sought for negligence.

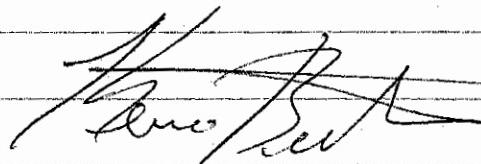
4. As of this date, this plaintiff still hasn't been treated as promised by defendant, SCOTT S. ALTMAN. See defendant's letter attached to original complaint.

5. As of this date, this plaintiff has yet to receive the proper care and treatment that he is lawfully and ~~constitutionally~~ constitutionally entitled to.

6. These defendant's must be shown that this type of blatant disregard of this Plaintiff's Constitutional rights will not be tolerated.

7. These defendant's Motion to dismiss should be denied, or they will assume that they have free reign to continue to violate the rights of this Plaintiff and continue to deny him the proper care and treatment that he is entitled to.

Wherefore, for the foregoing reasons, this Plaintiff respectfully request that the defendants Motion to dismiss be denied.



KEVIN C. BREATHWAITE
1181 Paddock Rd.
Smyrna DE-

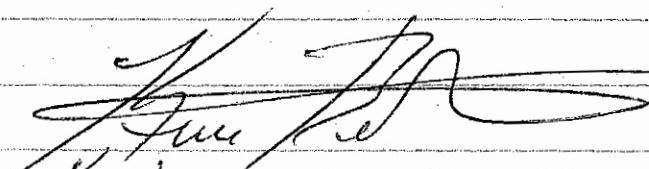
DATED: August, 16th, 2007

19877

certificate of Service

I Kevin C. Brathwaite, states that I have caused a copy of the attached, Plaintiff's response to defendants motion to dismiss, to be mailed to the following party by way of U.S. Postal Service.

JAMES E. Drnec, Esq
711 King St.
Wilmington DE.
19801


Kevin C. Brathwaite
1181 Padlock Rd.
Smyrna DE.
19977

DATED: August, 16th, 2007

